

IN THE MATTER OF

MAINE YANKEE	) SITE LOCATION OF DEVELOPMENT
Wiscasset, Lincoln County	) NATURAL RESOURCE PROTECTION
BARGE SLIP ACCESS ROAD IMPROVEMENTS	) SITE MODIFICATION/NEW NRPA
L-17973-26-U-M (Approval)	) FINDINGS OF FACT AND ORDER
L-17973-4E-V-M (Approval)	

Pursuant to the provisions of 38 M.R.S.A. Sections 480-A et seq. and 481 et seq., the Department of Environmental Protection has considered the application of MAINE YANKEE with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. In Department Order #L-17973-26-A-N dated May 21, 1992, the Department approved the expansion of the Nuclear Power Plant facility located on the Old Ferry Road. Since 1992 the Department has issued a number of orders approving modifications at the development.
2. The applicant now proposes to realign an existing roadway to accommodate equipment that will transport the reactor vessel and other heavy equipment for off-site disposal. Work will include excavation of up to 1,200 cubic yards of soil, and the addition and compaction of clean granular fill along the new alignment as shown on a set of plans the first of which is entitled "Post-Construction Barge Drainage Area," dated January 25, 2000 prepared by Stratex, LLC. The realignment of the barge slip access road will require soil disturbance within 25 feet of the adjacent coastal wetland. No work or soil disturbance will occur within the wetland area or in subtidal areas.
3. Soil excavated from the barge slip area will be temporarily stored on Foxbird Island for use as fill material and other on-site decommissioning activities if the material is found to be free of impurities or other disqualifying characteristics. Plans for the stockpile area are shown on a dated plan submitted with the application entitled "Figure 5, Erosion and Sedimentation Control Features, Application for Barge Slip Access Road, Maine Yankee Atomic Power Plant," prepared by Stone & Webster Engineering Company.
4. The applicant plans to employ temporary and permanent erosion control measures such as installing a siltation control fencing and hay bales downgradient of disturbed areas, riprap embankments along the west side of the access road, and applying mulch and/or hydroseeding to the temporary stockpiles on Foxbird Island.
5. The area to be excavated is discussed and described in greater detail in a Maine Yankee's November 1999 Site History Report under reference to Environmental Sector 5. In addition, a radiological site survey was conducted over Sector 5 by a contractor for Maine Yankee in 1998 with

- preliminary data indicating that the soils in this area are not radiologically contaminated. Maine Yankee will evaluate and confirm the soils meet the Soils Derived Concentration Guideline Levels in accordance with applicable state and federal laws.
6. Soil excavation must also be overseen by a qualified environmental professional. Soil samples must be screened in the field by headspace techniques using a DEP-approved photoionization or flame ionization device calibrated to the appropriate set point for fuel oil. Alternative screening techniques may be used subject to DEP approval. The environmental professional shall select samples for laboratory analysis based on screening results and other observable field characteristics. The selected samples shall represent worst case contamination if it appears that petroleum contamination is present.
  7. Based on its review of the application, the Department finds the requested modification to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Department Order #L-17973-26-A-N, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.

G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of MAINE YANKEE to realign the barge slip access road, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-17973-26-A-N, and subsequent orders, and are incorporated herein.

DONE AND DATED AT AUGUSTA, MAINE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: \_\_\_\_\_  
MARTHA G. KIRKPATRICK, COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

Date of initial receipt of application	2/10/2000
Date of application acceptance	3/2/2000

Date filed with Board of Environmental Protection  
DS:L17973um